

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
JOHN Y. KIM,

Plaintiff,

06 CIVIL 5365 (RPP)

-against-

JUDGMENT

COLUMBIA UNIVERSITY,


Defendant.
-----X

The issues in the above-entitled action having been brought on for trial before the Honorable Robert P. Patterson, United States District Judge, and a jury on November 8, 2010, and at the conclusion of the trial on November 15, 2010, the jury having returned a verdict in favor of the defendant, it is,

ORDERED, ADJUDGED AND DECREED: That the Complaint be and it is hereby dismissed.

/ **DATED:** New York, New York
November 17, 2010

SO ORDERED




USDJ *pm*

RUBY J. KRAJICK

Clerk of Court

BY:



Deputy Clerk

THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

John Y. Kim,
- v -
Columbia University.

EXTRACT OF THE MINUTES

06 CV 5365 (RPP)

TYPE OF TRIAL:
JURY ☒ BENCH ☐

(List full case caption-if necessary use other side)

APPEARANCES:

(if necessary use other side-include firm name and telephone #)

PLAINTIFF:

MAIR Goodell/Jeremiah J.
JADEVANA/Valdi Licul
1501 Broadway
New York, N.Y. 10036
(212) 403-7300
(212) 221-3172 (fax)

DEFENDANT(S):

Charles B. Updike/Alycia S. Levy
Schoeman, Updike + Kaufman, LLP.
60 East 42 St, 39th floor
New York, NY 10165
(212) 661-5030
(212) 687-2123 (fax)

A Jury trial consisted of eight jurors began on Monday, November 8, 2010 and concluded on Monday, November 15, 2010. Members of the jury returned a verdict in favor of the Defendant. See attached, the verdict as CT exhibit #5.

DEPUTY CLERK- MARILYN ONG X0115

COURT REPORTER- Denise Richards X0337/Rebecca Forman X0327

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOHN Y. KIM,

Plaintiff

06 Cv. 5365 (RPP)

- against -

Verdict Form

COLUMBIA UNIVERSITY,

Defendant
-----X

COURT #5

EXHIBIT

U. S. DIST. COURT
S. D. OF N. Y.

11/15/2010
4:20pm

As to the parties named above, the jury unanimously finds the issues as follows:

1. Has Plaintiff, John Kim, proven by a preponderance of the evidence that his race was a motivating factor in the decision of Columbia University to terminate his employment?

YES _____

NO ☒ _____

2. Has Plaintiff, John Kim, proven by a preponderance of the evidence that his opposition to what he believed was race discrimination was a motivating factor in bringing about a material adverse action taken against him?

YES _____

NO ☒ _____

3. Has Plaintiff, John Kim, proven by a preponderance of the evidence that Columbia terminated his employment because of his age?

YES _____

NO ☒ _____

4. Has Plaintiff, John Kim, proven by a preponderance of the evidence that but for his opposition to what he believed to be age discrimination he would not have been subject to a material adverse action against him by Columbia?

YES _____

NO ☒ _____

5. Has the Plaintiff, John Kim, proven by a preponderance of the evidence that his opposition to what he believed was age discrimination was a motivating factor in bringing about an adverse action by Columbia under City Law?

YES _____

NO ☒ _____

- 5a. Has the Plaintiff, John Kim, proven by a preponderance of the evidence that his opposition to what he believed was race discrimination was a motivating factor in bringing about an adverse action by Columbia under City Law?

YES _____

NO ☒ _____

If you answered "Yes" to any of the Questions 1, 2, 3, 4, 5 or 5a, proceed to Questions 6 and 6a.

If you answered "No" to each of the Questions 1, 2, 3, 4, 5 and 5a, do nothing further and report to the Court.

6. State the amount of past lost wages, bonuses and benefits, if any, you award to the Plaintiff, John Kim.

\$ _____

- 6a. State the amount of future lost wages, bonuses and benefits, if any, you award to the Plaintiff, John Kim.

\$ _____

If you answered "Yes" to any of the Questions 1, 2, or 5, ^{5A}proceed to Questions 7 through 13.

If you answered "No" to each of Questions 1, 2, or 5, ^{5A}proceed to the instructions immediately after Question 14.

7. State the amount of damages for emotional pain, suffering, inconveniences, mental anguish, loss of enjoyment of life, and other non-monetary losses, if any, you award to the Plaintiff, John Kim.

\$ _____

8. Do you find that Plaintiff, John Kim, has proven, by a preponderance of the evidence, that Columbia discriminated against him on the basis of his race with malice?

YES _____

NO _____

- 8a. Do you find that Plaintiff, John Kim, has proven, by a preponderance of the evidence, that Columbia retaliated against him for opposing race or age discrimination with malice?

YES _____

NO _____

9. Do you find that Plaintiff, John Kim, has proven, by a preponderance of the evidence, that Columbia discriminated against him on the basis of his race with reckless indifference to his protected rights under the law?

YES _____ NO _____

9a. Do you find that Plaintiff, John Kim, has proven, by a preponderance of the evidence, that Columbia retaliated against him for opposing race or age discrimination with reckless indifference to his protected rights under the law?

YES _____ NO _____

10. Do you find that Plaintiff, John Kim, has proven, by a preponderance of the evidence, that the individuals who discriminated against him exercised managerial or supervisory responsibility?

YES _____ NO _____

11. Do you find that Plaintiff, John Kim, has proven, by a preponderance of the evidence, that the individuals who retaliated against him exercised managerial or supervisory responsibility?

YES _____ NO _____

12. Do you find that Plaintiff, John Kim, has proven, by a preponderance of the evidence, that Columbia knew or should have known that its employees engaged in discriminatory conduct and failed to take immediate action to prevent or correct the discrimination?

YES _____ NO _____

13. Do you find that Plaintiff, John Kim, has proven, by a preponderance of the evidence, that Columbia knew or should have known that its employees engaged in retaliatory conduct and failed to take immediate action to prevent or correct the discrimination?

YES _____ NO _____

SA

If you answered "Yes" to either Question 8, 9, 10, 11, 12, or 13, proceed to question 14.

SA

If you answered "No" to each of Questions 8, 9, 10, 11, 12, and 13, proceed to the instructions immediately following Question 14.

14. State the amount of punitive damages, if any, that you award to the Plaintiff, John Kim.

\$ _____

If you answered "Yes" to either Question 3 or 4, proceed to Question 15 and 15a.

If you answered "No" to both Question 3 and 4, do nothing further and report to the Court.

15. The Plaintiff, John Kim, has proven, by a preponderance of the evidence that Columbia acted willfully in firing him because of his age.

YES _____ NO _____

- 15a. The Plaintiff, John Kim, has proven, by a preponderance of the evidence that Columbia acted willfully in firing him because of his opposition to what he believed was age discrimination.

YES _____ NO _____

Please sign and date this form and tell the marshal you have reached a verdict.


FOREPERSON

Date: 11-15-10